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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/928,292

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David K. Lee

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EXAMINER

BASS, JON M

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/928,292

Applicant(s)

LEE ET AL.

Examiner

Jon Bass

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**Status of Claims**

1. Applicant has not amended any claims within the pending application. Currently claims 1-21 are pending again for examination.

**Response to Amendments**

2. Applicant's arguments filed on December 27, 2005 have been considered.
3. Applicant's argues (with respect to claims 1 and 11) that Pusic does not disclose, teach or suggest the claimed application of "special service indicator, or first and second special service indicators, to be mailed". The Examiner notes that Ali Baghai et al. US Patent Number 5,905,868 discloses in column 1, lines 6-9, that the invention relates to techniques for monitoring the performance of computer systems and for collecting and managing performance data in a network. Being able to monitor the data require specific steps. Having a database, which is described by Baghai et al located in column 1, lines 12-23 indicate that data is stored and can be accessed by the client or any individual executing queries. In addition, Baghai et al discloses in column 1, lines 34-43, that a performance monitoring system using a client/server across a network for data collector and stores the data from the monitored process for instant retrieval. To further demonstrate, George Gelfer US Publication 2002/0046194A1 discloses on page 0002, that a franking

machine is used for printing postage indicia and postal service on a mail piece during creation. A label is used to directly as a service indicator. A service indicator is interpreted as been a label that identifies the whereabouts of the mail piece, which includes vital data such as delivery, weight and the like. Gelfer includes an identity certificate is included for the use of tracking, billing, identifying the entity and can be in the form of a bar-code or readable form found on page 1 section 0004.. This process can be done in many locations such as a mailroom, a mail facility or a business organization. Gelfer explains that within the label a one can collect information such as proof of billing and delivery. Gelfer does not explicitly disclose the distinguishable color codes but instead directly uses the process mentioned by the applicant for which the color codes are being used. The Examiner notes that although the specification is relied upon heavily, it not read in light of the claims. The Examiner only awards credit to the stated claim language.

4. In further regard to claims 1, 11 and 17, Applicant argues that Pusic fails to disclose, teach or suggest "sending the mail item to a mail room for processing the mail to a carrier". The Examiner notes that while Pusic does not explicitly disclose the above claim, Gelfer discloses on page one section 0004 that the information contained within the label expresses data relating to delivery, billing and the like. The process is done with the data center which functions as the mailroom. Also Gelfer discloses in the unchanging section that

reference is given to German OS 197 33 605 A1, which discloses the proper procedures for how the delivery of a mail item is constructed.

5. Applicant argues that Pusic does not disclose, "detecting at the mailroom the special service indicator". The Examiner notes that on page one section 0004, that within the data center the mail item can go through the process of having an identity certificate placed on the mail piece indicated the direction in which the mail item will be traveling.
6. Applicant argues that Pusic fails to teach, "applying the unique identifier". The Examiner notes that a unique identifier is used to track and distinguish each mail item. Gelfer discloses on page 1 in section 0004 that a bar code can be used for tracking purposes.
7. Applicant argues that Pusic fails to teach, "submitting the mail item with the unique identifier". The Examiner notes that for the same reasons set above (point 6), the Examiner disagrees with the applicant.
8. Applicant argues that Pusic fails to teach, "receiving from carrier relating to the location of the mail item" The Examiner notes that for the same reasons set above (point 6), the Examiner disagrees with the applicant.

9. Applicant argues that Pusic fails to teach, "storing the information". The Examiner notes that Gelfer discloses on page one in section 0009, that a storage memory is used to store information about all pieces during delivery in a database.
10. While the Applicants arguments have been considered, the Examiner notes that additional references were included to further solidify the focal points of Pusic.
11. Below is an updated copy of the Office Action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over George Gelfer US Publication Number 2002/0046194, hereinafter referenced as Gelfer in view of Ali

Baghai et al US Patent Number 5,905,868, hereinafter referenced as Baghai.

**As Per Claim 1:**

Gelfer discloses a method for tracking a special service delivery by a carrier of a mail item created by an office worker, the method comprising the steps of:

applying a special service indicator, (identity certificate), to the mail item during creation of the mail item, [{page 1,0004}, identity certificate];

sending the mail item to a mail room, (data center), for final processing prior to submitting the mail item to the carrier for the special service delivery, [{page 1, 0004},identity certificate can be used by the carrier for delivering in the data center] ;

automatically detecting at the mail room the special service indicator on the mail item and determining the special service delivery required based on the detection of the special service indicator, [{page 1, 0004}, the information contained in the identity certificate can be used by the carrier for delivering and billing in the data center];

applying at the mail room a unique identifier to the mail item, the unique identifier including an electronic address of a company server, [{page 1, 0004} the identity certificate is printed on a label];

submitting the mail item with the unique identifier thereon to the carrier for the special service delivery [page 1, 0004], the information contained in the identity certificate can be used by the carrier for delivering]; Gelfer does not explicitly disclose:

receiving from the carrier at the electronic address (barcode) obtained by the carrier from the unique identifier on the mail item information relating to the location of the mail item;

storing the information relating to the location of the mail item at the company server; and

providing the office worker with access to the company server to obtain the information relating to the location of the mail item.

However Baghai discloses in column 1, lines 34-43 that a performance monitoring system the uses a client/server architecture across a network including a plurality of computers. Baghai also discloses in the changeless section, that a data collector process collects and stores data from the monitored process. In addition, Baghai mentions in column 2, lines 26-30 that if a user needs to monitor the performance there is more then workstation available to gain access. Although, Baghai does not explicitly note that an electronic address is attached to the item, one skilled in the art at the time of the invention understands that monitoring is done using a barcode, which is used in place of a URL. In order to gain access for tracking purposes the client/server is utilized. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Gelfer's method and system in conjunction with Baghai's



system and method to emulate an invention that deals with using a performance system that has attached a identity certificate to form a invention that clearly relates to tracking an item with an indicator, in order to make an invention more efficient.

**As Per Claim 2:**

Gelfer does not explicitly mention a method wherein the special service indicator is a specific color associated with the special service delivery. However Gelfer discloses a method wherein identity certificate is created by a franking machine that is printed on the mail item during creation of the mail item that has data stored within for purposes of delivery and billing which is created at the data center explained on page 1 section 0004. Therefore, it would have been obvious to a person of ordinary skill in the art the time the invention was made to include indicator that is color correlated as taught by Gelfer with motivation being having a system that is able to associate a color indicator with a delivery path.

**As Per Claim 3 and 4:**

Gelfer does not explicitly disclose a method wherein at the mail room (data center) the specific color is automatically detected and identified to determine the special service delivery required by the mail item. However Baghai discloses a data collector process which collects and stores data from a monitoring process, wherein the data collected allows a user to control the frequency of collection for each

of the different types of the collected data and gathers the collected in data in parallel from the monitored process located in the {abstract}. This suggests that although a specific color is not used to determine service delivery, but instead a monitored process is used to collect and sort data to the proper delivery station. Therefore, it would have been obvious to a person of ordinary skill in the art the time the invention was made to include the monitoring device that is able to collect and sort by specific coloring as taught by Baghai et al. with motivation of sorting items correlated by the coloring.

**As Per Claim 5:**

Gelfer discloses a method wherein the special service indicator is a label, [{page 1, 00110} identity codes are printed in the form of bar-codes on self adhesive labels which can removed].

**As Per Claim 6:**

Gelfer discloses a method wherein the special service indicator is printed on the mail item, [{page 1, 00110} identity codes are printed in the form of bar-codes on self adhesive labels which can removed].

**As Per Claim 7:**

Gelfer discloses a method wherein the special service indicator is machine readable, [{page 1, 0009}, readers can be provided at one or more delivery stations for reading the identity codes].

**As Per Claim 8:**

Gelfer does not explicitly disclose a method as recited wherein the information relating to the mail item includes an image of the mail item. However Baghai does teach on page 3 lines 20-35 that a computer program and a computer system are used for communication and storage. It is obvious to one skilled in the art the time the invention was made to generate a system that is fully cable of creating an image of the mail item to be delivered providing the image is stored in the database for later usage as taught by Baghai with the motivation of providing an image to an client.

**As Per Claim 9:**

Gelfer discloses a method wherein the information relating to the location of the mail item further includes date, time, and location data, [{page 1, 0009}, allowing monitoring of the exact route of the mail piece. Used for tracking and tracing]. This suggests that the location of the mail piece can always be tracked. Also on {page 1, 0009}, that a storage memory can be used to store information about the mail pieces.

**As Per Claim 11:**

Gelfer discloses a method for tracking a special service delivery by a carrier of a mail item created by an office worker, the method comprising the steps of:

applying a first special service indicator to the mail item during creation of the mail item, [{{page 1, 0005}}, a bar code can be printed in some manner during the creation of the postage meter indicia];

sending the mail item to a mail room for final processing prior to submitting the mail item to the carrier for the special service delivery, [{{page 1, 0007}}, the label is affixed during franking the label will be removed after delivery of the letter;

automatically detecting the first special service indicator on the mail item and determining the special service delivery required based on the detection of the first special service indicator, [{{page 1, 0007}}, the identity code will then be read when the carrier returns to the local post office, it then can be used for tracking and tracing purposes];

applying at the mail room a second special service indicator to the mail item, the second special service indicator including an identification for the carrier of the special service delivery required and a unique identifier including an electronic address of a company server, [{{page 1, 0011}}, has a printer for printing indicia on mail as well as identity codes on labels];

submitting the mail item with the unique identifier thereon to the carrier for the special service delivery, [{{page 1, 0011}}, has a printer for printing indicia on mail as well as identity codes on labels];

receiving from the carrier at the electronic address obtained by the carrier from the unique identifier on the mail item information

relating to the location of the mail item, [{page 1, 0007} tracking can be done by sending a message to the sender informing the sender about delivery]; However Gelfer does not explicitly mention:

storing the information relating to the location of the mail item at the company server; and

providing the office worker with access to the company server to obtain the information relating to the location of the mail item.

Baghai suggest that in column 1, lines 30-45} that monitoring system using a server, which collects data and stores data. In addition, in column 2, lines 35-43, that the server enables distribution and gathering data then share the data. Therefore one skilled in the art the time the invention was made to include storing information related to the location of the mail item as taught by Baghai with motivation of having a system that is able to store data relating to the location and time of delivery.

**As Per Claim 12 and 13:**

Gelfer does not explicitly disclose a method wherein the office worker obtains the information relating to the location of the mail item using the unique identifier. However Gelfer teaches on page 1, 0004, an identity code for the piece of mail can be included in the identity certificate, selectively in barcode form used for searching for a piece of mail. Therefore, it would have been obvious to a person of ordinary skill in the art the time the invention was made to include a unique identifier (barcode) to obtain information relating to the

delivery path (location). This suggest that data pertaining to location, postage and other pertinent data can be retrieve as taught by Gelfer with motivation being having a system that can store and retrieve information about all pieces of mail during delivery at the local post office {page 1, 0009}.

**As Per Claim 10 and 14-16:**

Gelfer does not explicitly disclose a method wherein the first special service indicator is a specific color associated the special service delivery or wherein at the mail room the specific color is automatically detected and identified to determine the special service delivery required by the mail item or wherein the specific color is selected from a plurality of different colors, each of the plurality of different colors serving as an indicator of a different special service delivery requirement. However Baghai discloses a data collector process which collects and stores data from a monitoring process, wherein the data collected allows a user to control the frequency of collection for each of the different types of the collected data and gathers the collected in data in parallel from the monitored process located in the {abstract}. This suggests that although a specific color is not used to determine service delivery, but instead a monitored process is used to collect and sort data to the proper delivery station. Therefore, it would have been obvious to a person of ordinary skill in the art the time the invention was made to include the monitoring device that is able to collect and sort by specific coloring as taught by Baghai et

al. with motivation of sorting items correlated by the coloring.

**As Per Claim 17:**

Gelfer disclose a mailing machine comprising: means for applying postage to a mail item having a first special service indicator thereon;

Gelfer discloses a means for transporting mail items to the applying means, [{the identities codes are printed in the form of bar codes on labels, [{0010}]];

Gelfer discloses a means for detecting the first special service indicator and for determining a special service delivery required based on the detected special service indicator, [{allowing monitoring of the exact route of the piece of mail , this allows the sender to always check where the mail piece appears, {0009}]]; and

Gelfer discloses a means for applying a second special service indicator to the mail item, the second special service indicator including an electronic address and an identification for the carrier of the special service delivery required [{a storage memory can be used to store information about all pieces of mail during delivery in a large database which can accessed by the carrier an by the sender or the sender's local post office {0009}]].

**As Per Claim 18 and 19:**

Gelfer does not explicitly teach a mailing machine wherein means for detecting and determining detects the specific color and correlates

the specific color to the special service delivery required by the mail item. However Baghai discloses a data collector process which collects and stores data from a monitoring process, wherein the data collected allows a user to control the frequency of collection for each of the different types of the collected data and gathers the collected in data in parallel from the monitored process located in the {abstract}. This suggests that although a specific color is not used to determine service delivery, but instead a monitored process is used to collect and sort data to the proper delivery station. Therefore, it would have been obvious to a person of ordinary skill in the art the time the invention was made to include the monitoring device that is able to collect and sort by specific coloring as taught by Baghai et al. with motivation of sorting items correlated by the coloring.

**As Per Claim 20 and 21:**

Gelfer does not explicitly disclose a mailing machine (franking machine) wherein the electronic address is a URL. However Gelfer discloses on page 1, 0004 that an identity code is attached to the item and is in form of a barcode, (which can be used as an URL). This suggests that Gelfer is using barcode as method for tracking. An electronic address (URL) is used to maintain the position of the item. Therefore, it would have been obvious to a person of ordinary skill in the art the time the invention was made to include the electronic address which is the URL for providing tracking of the item as taught



by Gelfer with the motivation of providing server access for tracking of the item.

### ***Conclusion***

Any concerns in regard to this communication, the examiner **Jon Bass** can be reached at

**(571) 272-6905** between the hours of **9-6pm Monday through Friday**. The fax number for the establishment where the application is being process is **(571) 273-8300**.

If an attempt to reach the examiner is unsuccessful for any reason, the examiner's immediate supervisor, **John Hayes** can be reached at **(571) 272-6708**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished is available through Private PAIR only. For more information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-271-9197 (toll free).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

C/O Technology Center 3600

Washington, D.C. 20231



THOMAS A. DIXON  
EXAMINER